

OFFICIAL COPY

Fresno, California

February 13, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting President
	Henry Perea	Council President

Andy Souza, Interim City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JANUARY 30, 2001

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the Agency minutes of January 30th approved as submitted.

(“A”) CONSIDER AND GIVE DIRECTION TO IMPLEMENT A PILOT PROJECT TO MAKE ESSENTIAL ENERGY RELATED HOME IMPROVEMENTS FOR LOW TO MODERATE-INCOME SENIOR CITIZENS USING DISTRICT 7 UNOBLIGATED HOUSING SET ASIDE FUNDS FROM FY 2001 - PRESIDENT PEREA

President Perea commented on the energy crisis stating it was not going to go away anytime soon, gave an overview of the pilot project and what it would entail, and made a motion to direct implementation of the project.

Barbara Hunt, 944 “F” Street, spoke to the issue.

President Perea, Agency Director Fitzpatrick and Mr. Stacy responded to Council questions and/or clarified issues relative to the number of homes that would be improved, process in prioritizing applications, income and eligibility (CDBG) areas, other areas of the city in need and potential to assist those homes, expanding funding and being pro-active in other funding sources, meeting with staff on the program and process, and partnering with the Housing Authority or EOC in retrofitting homes.

to implement a pilot project to make essential energy related home improvements for low to moderate-income senior citizens using District 7 unobligated Housing Set Aside Funds from FY 2001, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(“B”) JOINT RESOLUTION NO. 01-46/1577 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS

Briefly reviewed by City Clerk Klisch and a motion and second was made to adopt the resolution.

Barbara Hunt, 955 “F” Street, spoke to the issue.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, **RESOLVED**, the above entitled Joint Council/Agency Resolution No. 01-46/1577 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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The joint bodies adjourned at 8:53 a.m. and the City Council convened in regular session at 9:03 a.m.

Pastor David James, United Christian Church, gave the invocation, and Councilmember Castillo led the Pledge of Allegiance to the Flag.

(ADD-ON) **PROCLAMATION OF “TOWER MARDI GRAS DAYS” - COUNCILMEMBER BOYAJIAN**

PROCLAMATION OF “GALEN COLLEGE OF MEDICAL AND DENTAL ASSISTANTS DAY” - COUNCILMEMBER BOYAJIAN

RESOLUTIONS OF RECOGNITION TO 2001 FRESNO UNIFIED SCHOOL DISTRICT EMPLOYEES OF THE YEAR: DARREL BLANKS, PRIMARY TEACHER; ANN WILLIAMS, INTERMEDIATE TEACHER; NAOMI JIMENEZ, MIDDLE SCHOOL TEACHER; CAROL GRAY, HIGH SCHOOL TEACHER; KATHRYN JOHNSEN, HIGH SCHOOL TEACHER; CAROL HANSEN, ADMINISTRATOR; CAROL HOLMES, CLASSIFIED EMPLOYEE; AND SHELLY PARRISH, JEAN GROMIS MEMORIAL AWARD - ACTING PRESIDENT RONQUILLO AND COUNCILMEMBERS BOYAJIAN AND CALHOUN

The above proclamations and resolutions were read and presented.

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On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of February 6th approved, *as amended*, as follows:

(1) on Page 137-64, adding the italicized wording to the first sentence of the first paragraph as follows: "...the Council Education Committee, *excluding Councilmember Calhoun who works for the SCCCD*, to meet with FCC officials...". Upon question of Councilmember Boyajian, President Perea stated he would take Councilmember Calhoun's place on the committee in addressing the subject issue; and

(2) on Page 137-60, Gloria Torrez reiterated corrections relative to the spelling of her last name (**2 - 0**) and to her past statements that she would continue to push for reinstatement of 20 minute bus service on Line 38. So noted and corrected.

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APPROVE AGENDA:

(11:15 A.M.) PRESENTATION BY JERRY WOLFF, GARDNYR MICHAEL CAPITAL LEASING, REGARDING DOWNTOWN PARKING STRUCTURE - ACTING PRESIDENT RONQUILLO AND COUNCILMEMBER BOYAJIAN

a. REQUEST CITY MANAGER TO DIRECT STAFF TO MEET WITH GARDNYR MICHAEL CAPITAL LEASING TO REVIEW THE PROPOSAL AND RETURN WITH A REPORT AND RECOMMENDATION

Acting President Ronquillo advised Mr. Wolff was unable to appear due to road conditions and that the issue would be rescheduled. Later in the meeting he advised the matter would be rescheduled on February 27th or shortly thereafter.

(10:30 A.M.) HEARING TO CONSIDER ADOPTION OF RESOLUTIONS (1) AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN AND SCHEDULE OF COSTS AND FEES FOR EACH LOCAL DRAINAGE AREA WITHIN THE CITY AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT; AND (2) AMENDING THE MASTER FE SCHEDULE UPDATING THE SCHEDULES AS TO THE DISTRICT

City Clerk Klisch advised the matter was being laid over to February 27th at the direction of staff and upon question, City Attorney Montoy stated the delay was due to legal deficiencies. By Council consensus the matter was scheduled for February 27th at 3:00 p.m.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) * RESOLUTION NO. 01-47 - 102ND AMENDMENT TO AAR 2000-183 APPROPRIATING \$2,997,900 FOR THE TRAFFIC CONGESTION RELIEF FUND PROJECTS

(1A-2) RESOLUTION NO. 01-48 - APPROVING THE SUMMARY VACATION OF A PORTION OF GOLDEN STATE BOULEVARD BETWEEN FOURTH AND ORANGE AVENUES

(1A-3) * RESOLUTION NO. 01-49 - APPROVING THE APPLICATION FOR GRANT FUNDS FROM VARIOUS SPECIAL APPROPRIATIONS AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FOR IMPROVEMENTS AT HOLMES PLAYGROUND

a. * RESOLUTION NO. 01-50 - 101ST AMENDMENT TO AAR 2000-183 APPROPRIATING \$91,700 OF GRANT RESOURCES FOR IMPROVEMENTS AT HOLMES PLAYGROUND

(1A-4) ADOPT ENVIRONMENTAL ASSESSMENT NO. TPM 2000-21 FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE ANNEXATION MAY HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT

a. * RESOLUTION NO. 01-51 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED JENSEN-CEDAR NO. 2 REORGANIZATION

(1A-5) RESOLUTION NO. 01-52 - ESTABLISHING PROCEDURES FOR APPEALS AND DEBARMENT IN THE COMPETITIVE BIDDING PROCESS AND REPEALING RESOLUTION NOS. 98-59 AND 2000-58

Upon question of Acting President Ronquillo, Interim City Manager Souza stated Item **1A-5** did not address the contractor's work on the Olive Avenue project and he would meet with Acting President Ronquillo on that issue.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3A) ADOPT ORDINANCES RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE CITY OF FRESNO RETIREMENT SYSTEMS

1. * BILL NO. B-15 - ORDINANCE NO. 01-13 - AMENDING SECTIONS 2-1702, 2-1703 AND 2-1722.1 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE FIRE AND POLICE RETIREMENT SYSTEM

2. * BILL NO. B-16 - ORDINANCE NO. 01-14 - AMENDING SECTIONS 2-1802, 2-1803 AN 2-1828 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE EMPLOYEES RETIREMENT SYSTEM

3. * BILL NO. B-17 - ORDINANCE NO. 01-15 - AMENDING SECTIONS 2-1722A.1 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE FIRE AND POLICE RETIREMENT SYSTEM

Briefly reviewed by Retirement Administrator McDivitt and a motion and second was made to adopt the ordinance bills.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill Nos. B-15, B-16 and B-17 adopted as Ordinance Nos. 01-13, 01-14 and 01-15, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3B) ADOPT ORDINANCES RELATING TO THE CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN

1. * BILL NO. B-18 - ORDINANCE NO. 01-16 - AMENDING SECTIONS 2-1723 AND 2-1732 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE FIRE AND POLICE RETIREMENT SYSTEM

2. * BILL NO. B-19 - ORDINANCE NO. 01-17 - AMENDING SECTIONS 2-1723A AND 2-1732A OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE FIRE AND POLICE RETIREMENT SYSTEM

3. * BILL NO. B-20 - ORDINANCE NO. 01-18 - AMENDING SECTIONS 2-1840.1 AND 2-1840.3 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE EMPLOYEES RETIREMENT SYSTEM

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill Nos. B-18, B-19 and B-20 adopted as Ordinance Nos. 01-16, 01-17 and 01-18, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) * RESOLUTION NO. 01-53 - 100TH AMENDMENT TO AAR 200-183 APPROPRIATING \$8,000 OF DISTRICT 7's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND TREE FRESNO - PRESIDENT PEREA

A motion and second was made to adopt the resolution. Councilmember Boyajian commended President Perea on the project and Susan Stilts of Tree Fresno responded to questions relative to damaged water mains.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-53 hereby adopted, by the following vote:

137-75

2/13/01

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) PROPOSED APPOINTMENT OF MICHAEL GUIDRY TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER DUNCAN

A motion and second was made to introduce the appointment. Upon question of Councilmember Calhoun Councilmember Duncan stated Mr. Guidry resided in District 6.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Michael Guidry to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5C) CONSIDER PROPOSAL TO REVIEW THE FRESNO MUNICIPAL CODE, INCLUDING ELIMINATION OF OBSOLETE ORDINANCES AND REVISIONS WHERE NECESSARY, TO BRING IT UP TO DATE - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated the time had come to update the code, noted he had conferred with the City Attorney on the process, and made a motion to approve the proposal.

Barbara Hunt, 944 "F" Street, spoke in opposition.

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the proposal to review the Fresno Municipal Code, including elimination of obsolete ordinances and revisions where necessary to bring it up to date hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5D) REPORT FROM THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 COUNCIL SUBCOMMITTEE - ACTING PRESIDENT RONQUILLO AND COUNCILMEMBERS CALHOUN AND BOYAJIAN

Briefly reviewed by Acting President Ronquillo who stated the subcommittee had concurred on two entryways, advised the city and county had the same northern boundary and it would make sense to approach Fresno County relative to combining efforts on that one, and advised Option 3 as submitted was the first choice and Option 4 the second.

Councilmember Calhoun spoke in support stating he was proud to be part of the effort and commented briefly on discussions with Caltrans relative to the future 99/Shaw interchange and Herndon rest stop projects and their benefit to the community. A motion and second to approve Option 3 was acted upon after brief discussion with Councilmember

Castillo speaking in support of the possibility of contracting with Howard Growdon on the project and continuing a partnership with the County on joint maintenance.

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Option 3 entryway structure hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5E) REPORT ON MAINTENANCE CONTRACT FOR MEDIAN ISLANDS ON FRESNO STREET AROUND COMMUNITY MEDICAL HOSPITAL AND RESPONSE TO COUNCIL’S CONCERNS OF UNSATISFACTORY MAINTENANCE OF ISLANDS - ACTING PRESIDENT RONQUILLO

President Ronquillo stated a few complaints had been received on the maintenance levels but it seemed like the issues had been addressed, and questioned how the City could better encourage or communicate the need for a high level of maintenance to the important entryways, with Susan Stilts of Tree Fresno responding.

Ms. Stilts, John Echols of the Local Conservation Corps. (LCC) and Parks and Recreation Director Primavera responded to questions of Councilmember Quintero relative to replacement of dead trees on the Ventura/Kings Canyon corridor, Tree Fresno’s contract with LCC, and Huntington Boulevard median landscaping, with Councilmember Quintero submitting photographs of areas in need of replacement landscaping to Ms. Stilts.

Barbara Hunt, 944 “F” Street, spoke to the issue.

With the report made there was no further discussion.

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(10:00 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-00-15, REZONING APPLICATION NO. R-00-33, AND ENVIRONMENTAL FINDINGS, FILED BY RALPH LOVELACE, PROPERTY LOCATED ON THE NORTHWEST CORNER OF S. WEST AVENUE AND W. KEARNEY BOULEVARD

- a. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-15, R-00-33 DATED NOVEMBER 2, 2000
- b. RESOLUTION - AMENDING THE EDISON COMMUNITY PLAN
- c. BILL - AMENDING THE FRESNO - CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN TO CHANGE THE PLANNED USE DESIGNATION OF PROPERTY LOCATED THEREIN FROM LOW DENSITY RESIDENTIAL TO MEDIUM LOW DENSITY RESIDENTIAL
- d. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A TO R-1-C/cz

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle reviewed the staff report as submitted.

Speaking to the issue were; Barbara Hunt, 944 “F” Street (**3 - 0**); Rev. J.D. Perry, 1746 W. Kearney Blvd., opposed, who also submitted written material and a petition containing twenty-nine signatures in opposition, on file in

the office of the City Clerk; Reggie Thomas, who requested to see the plans; and Applicant Ralph Lovelace, 4919 W. Birch, who explained the project using a map to illustrate.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Brief discussion ensued and Mr. Beedle responded to questions of Acting President Ronquillo relative to attendance and amount of opposition at prior hearings. Acting President Ronquillo stated he was hearing residents had concerns with the lot sizes and made a motion to continue the hearing two weeks for additional meetings with and input from area residents. Mr. Lovelace and Mr. Beedle responded to additional questions relative to the applicant's support for a continuance and if property values would be lowered with the project as stated by a speaker. Acting President Ronquillo requested everything be placed on the table in the meetings including apartments as a permitted use.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the hearing on Plan Amendment No. A-00-15/Rezoning Application No. R-00-33, filed by Ralph Lovelace, continued to February 27th at 10:00 a.m.#2, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:00 A.M. #2) CONTINUED HEARING TO CONSIDER APPEAL OF PLANNING COMMISSION ACTION ON SITE PLAN REVIEW APPLICATION NO. S-00-316, RELATING TO CONSTRUCTION OF A SELF-SERVICE AUTOMOBILE FUELING STATION ON PROPERTY LOCATED AT 5638 E. KINGS CANYON AT CLOVIS AVENUE - COUNCILMEMBER QUINTERO

a. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. S-00-316

b. RESOLUTION - APPROVING THE PLANNING COMMISSION'S RECOMMENDATION

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach reviewed the issue and staff report at length including concerns raised and how the issue of competition was not an issue for consideration, advised the Planning Commission had expressed strong concerns which were noted in their minutes submitted and made part of the record, and concluded stating the issue was approval of a gas station, noted all appeals had been reviewed, and staff was recommending approval subject to conditions outlined in the staff report.

Speaking to the issue were: Rick Ashodian, Sunnyside Shell, opposed; Jerry Galvan, area resident and Bakman Water Co. representative, opposed; Karen Musson, 1771 S. Waverly, Roosevelt Implementation Committee Vice Chair, opposed; Sue Williams, 5437 E. Montecito, Sunnyside Property Owners Association, opposed; and Barbara Hunt, 944 "F" Street.

Bill Robinson, American West Engineering Group, representing the applicant, spoke in support of the project and addressed concerns expressed **(4 - 0)**.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Quintero commented on various issues and concerns and based on the definition of blight made a motion to uphold the appeals and deny the site plan.

Mr. Robinson, City Attorney Montoy and Mr. Beach clarified issues and/or responded to questions of Councilmembers Castillo and Boyajian relative to what other products would be sold at the fueling station, traffic congestion, vacancy rate, findings necessary to approve or disapprove the site plan, difference with the subject project and the Ralph's project, how traffic congestion would be mitigated, option of denying the project without prejudice, mitigating outside and inside concerns, other permitted uses for the site, and access points. Mr. Robinson requested the site plan be denied without prejudice as traffic mitigation would be taking place in a couple of years. Upon question, Councilmember Quintero stated his motion was to deny.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the appeals upheld and Site Plan Review Application No. S-00-316 hereby denied, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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(11:00 A.M.) DISCUSSION OF NEW STATE COURTHOUSE IN DOWNTOWN

a. REPORT BY COMMITTEE REGARDING CONSIDERATION OF EATON PLAZA AS POTENTIAL SITE FOR THE NEW STATE COURTHOUSE

b. DIRECT THE CITY MANAGER TO SEND A LETTER OF INTEREST TO THE STATE OF CALIFORNIA

Councilmember Duncan apologized for the oversight in not obtaining input from some community groups, reviewed the background of the issue, the meeting that took place, and read seven recommendations approved by a majority of the committee, and clarified action this date to move the recommendations forward would not approve Eaton Plaza as the site but would only begin negotiations.

Speaking to the issue were: John Kallenberg, County Librarian, 6521 N. Sixth, who expressed concerns with parking and the relationship of building size and elimination of green space; Dallas Debatin, 109 N. Glenn, Design Review Committee, opposed to any development on Eaton Plaza; Barbara Hunt, 944 "F" Street, support for the project; Bob Dwyer, Chair, 1,000 Friends of Fresno, who requested action be tabled to obtain citizen input; and Victoria Gonzales, Downtown Association, impressed with plans/concerns with parking and elimination of green space.

Justice Ardaiz, Fifth District Court of Appeal, responded to comments made, clarified parking and preservation of green space were also significant issues to him stressing **(5 - 0)** he wanted to see community participation as Eaton Plaza was a community park, and requested Council move forward and send a letter of interest to the State which would begin the process.

Acting President Ronquillo commented on successful events held at Eaton Plaza and the need for green space, stated possible incompatible uses should be considered and explained, questioned if there were any cost estimates for turning Eaton Plaza into a downtown park, with Mr. Dwyer responding, and requested action be delayed to allow for community groups to meet with the subcommittee to address issues in more detail.

Councilmember Calhoun expressed concern with the possibility of not conducting the proper due-diligence and

made a motion to direct the City Manager to send a letter of interest to the State to consider Eaton Plaza, *along with other downtown locations*, as potential sites for the new State courthouse, incorporating the seven recommendations of the Council Subcommittee, which motion was seconded and acted upon after lengthy discussion.

Justice Ardaiz, Redevelopment Director Fitzpatrick, Assistant City Attorney Avila, Councilmember Duncan and City Attorney Montoy responded to questions, comments and/or concerns of Councilmembers Quintero, Boyajian and Castillo, and/or clarified issues relative to the footprints and size of the existing and proposed courthouse, benefit of having the prestigious Fifth District Court of Appeal downtown, making the project a joint effort with the County and State, if other land was available downtown suitable in size for the new courthouse, cost to the City to assemble land, the City incurring a \$400,000 cost with the vacancy of the existing Fifth Court due to a settlement agreement and possibility of factoring some of that cost into the project if approved at the Eaton Plaza, and the State recognizing their impact on downtown parking and making a contribution towards a solution. Councilmember Castillo stated he wanted it made clear that by moving forward with a letter of interest Council was not giving direction solely on Eaton Plaza, and noted another concern was, in looking at the size of the current and proposed buildings, it seemed like not a lot of square footage was being gained for the amount of beautiful park space that would be given up. Councilmember Calhoun reiterated and clarified his motion would be to consider Eaton Plaza and other sites.

President Perea clarified the motion on the floor was for items “a” and “b” as outlined above and the seven recommendations, commended Councilmember Duncan for his efforts, and stated he too had some of the same concerns raised but he wanted to go through the process with the understanding that the letter be very clear that other downtown sites were not being eliminated. Councilmember Quintero stated he also shared the same concerns as Councilmember Castillo but he supported moving forward to see what was available and making a decision from there.

Acting President Ronquillo requested the letter of interest address not only ownership by the State but also the possibility of a leasehold. Justice Ardaiz clarified he did not have authorized funding for anything other than a fee simple purchase under the legislation adding to alter the legislation would result in a significant delay, loss of funding, and starting over. Ms. Montoy advised unless the motion were amended the letter would not include what Acting President Ronquillo was requesting. Brief discussion ensued on amending the motion. Director Fitzpatrick suggested two separate letters be sent -- one along the lines of the motion and a separate one to the State and legislators asking them to give authority to amend the legislation to allow for a leasehold. Upon request for clarification, Ms. Montoy advised Council to vote on Acting President Ronquillo’s request separately.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, (a) the report by the Committee regarding consideration of Eaton Plaza, *and other downtown sites*, as potential sites for the new State Courthouse hereby approved, incorporating the following recommendations:

(1) Initial negotiations can begin regarding the use of the Eaton Plaza site with the understanding that other downtown sites will be looked at as viable options;

(2) The footprint of the courthouse should be minimized as much as possible. It is the goal to insure that the area has enough room for a park and not just some green space;

(3) The project will realize a specific monetary contribution from the State to provide for the necessary parking to support the new courthouse;

(4) Expansion plans for the County Library will also be part of the negotiations so that their needs are recognized and addressed;

- (5) That the City and the courthouse parties mutually agree upon the specific development plans for the park;
- (6) Interested parties will need to be consulted and advised of this project so their input can be part of the

negotiations. These groups need to be identified and notified at the appropriate time and their input and concerns addressed; and

(7) Should the Eaton Plaza site be considered for the State Fifth DCA facility, the State General Services Administration (GSA), in conjunction with the City, will need to undertake an evaluation process including a review of each of the prior environmental studies, issues raised and mitigation measures proposed, and to determine the applicability of previously identified issues with regard to the proposed scope of the State's project and current conditions this date; and **(b)** the City Manager directed to send a letter of interest to the State of California, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Acting President Ronquillo made a motion to send a letter to the GSA and legislators to amend legislation to allow for a leasehold. Councilmember Calhoun stated he had concerns with sending a second letter to the GSA. Justice Ardaiz advised the letter should also go to the Department of Finance and stated he would work with Council on the appropriate parties to send the letter to.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, **RESOLVED**, the City Manager directed to send a letter to appropriate State parties and local legislators to amend the legislation to allow for a leasehold, with Justice Ardaiz to work with Council and the City Manager on the appropriate State parties, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Upon question of Mr. Kallenberg, Interim City Manager Souza stated the letters and working on multiple sites would be a parallel process. Mr. Kallenberg also suggested the long term issue of parking in the immediate plaza area be addressed whether the courthouse is built there or not.

c. RESOLUTION NO. 01-54 - IN SUPPORT OF THE STATE OF CALIFORNIA LOCATING THE 5TH DISTRICT COURT OF APPEAL DOWNTOWN, *AS AMENDED* - ACTING PRESIDENT RONQUILLO

Acting President Ronquillo reviewed the issue stating the downtown area needed to be identified as the government center and made a motion to adopt the resolution.

President Perea expressed concern with the broad direction of the resolution noting there were a lot of other areas that could use the same type of help and requested the resolution be amended to state Council supported downtown being the primary focus but other deteriorated areas could also be considered, with Acting President Ronquillo responding. City Attorney Montoy stated the motion was out of order as the resolution as written went well beyond the title and recommended the broader issue of supporting government buildings downtown be scheduled another time.

Upon question of President Perea, Ms. Montoy stated the resolution as titled on the agenda could be acted upon this date and added the motion would already be encompassed in the letter previously approved. Councilmember

Calhoun stated the resolution raised too many issues that did not have to be raised and he felt this was not the kind of thing Council should be addressing.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-54 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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LUNCH RECESS - 12:32 P.M. - 2:00 P.M.

(2:00 P.M.) REGULAR CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6:
CITY NEGOTIATOR(S): JORGE AGUINIGA, ANDREW T. SOUZA AND MATTHEW GARGIULO
EMPLOYEE ORGANIZATION(S): INTERNATIONAL ASSOCIATION OF FIREFIGHTERS , LOCAL 753, NON-MANAGEMENT FIRE (IAFF), AND MANAGEMENT (IAFF)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: CLAYTON TURNER V. CITY OF FRESNO

(C) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9(c) - CASE NAME: CITY OF FRESNO VS. LONG CONSTRUCTION, INC., FRESNO CONVENTION INVESTORS, INC., BUD LONG, INC.. DBA FRESNO CONVENTION INVESTORS

REDEVELOPMENT AGENCY CLOSED SESSION:

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - TITLE: REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR DAN FITZPATRICK

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) - CASE NAME: PALM LAKES GOLF COURSE (1984 DEED FROM STRAVINSKI TO CITY OF FRESNO EQUIPMENT CORP.)

The Council and Redevelopment Agency each met in regular and in joint closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:30 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 27th day of February, 2001.

ATTEST:

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk